THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 21323 of 2007

08-10-2007

Between:

Bheemanapally Balwanth

Petitioner

And

The Deputy Collector & Mandal Revenue Officer,
Saroornagar Mandal, Ranga Reddy district and others.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 21323 of 2007

Oral Order:

The petitioner along with his brothers claims to be the legal heirs of late Madiga Narsaiah who is no more and claim to be the protected tenant of lands in survey Nos. 132 to 139 corresponding to new Survey Nos. 144, 145, 147, 148 to 152 situated at Meerpet village of Saroornagar mandal in Ranga Reddy district.

The first respondent herein is alleged to have granted succession certificates in favour of the legal heirs

of late Madiga Narsaiah and another vide proceedings dated 03-04-1989. Despite that it is the claim, strangers whose names are not mentioned in the proceedings to be the successors, were entered in the revenue records. The petitioner submitted an application under Section 32 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short 'the Act') for a legal heir certificate in respect of the protected tenancy. That application having not been disposed of, he filed W.P.No. 25384 of 2005 for the relief of disposal of his application submitted under Section 32 of the Act. This Court by the judgment dated 08-12-2005 directed the respondents in the said writ petition that if an application under Section 32 of the Act was already filed, the same be disposed of within three months from the date of receipt of a copy of the order of this Court.

Despite the directions of this Court, the application submitted has not been disposed of, is the complaint. The petitioner herein filed another writ petition – W.P.No. 2990 of 2002 – alleging commission of fraud by the first respondent and alleging inaction on the part of the second respondent herein in enquiring into the fraud committed by the first respondent in collusion with the third respondent in recording the names of the third respondent as successor to late Madiga Narsaiah. This writ petition – W.P.No. 2990 of 2002 – came to be heard on

19-02-2007. Having regard to the earlier directions in

W.P.No. 25384 of 2005, by the judgment dated 19-02-2007 W.P.No. 2990 of 2007 was disposed of directing the first respondent to dispose of the application stated to have been filed by the petitioner under Section 32 of the Act, while directing the second respondent to dispose of the representations of the petitioner dated 11-08-2005 and 27-01-2007 seeking an inquiry by the second respondent into the alleged fraud committed by the first respondent granting 'succession certificate' in respect of the land in question. The order of this Court dated 19-02-2007 directed the appropriate respondents to complete the exercise within a period of eight weeks.

The petitioner's present complaint is that the respondents have neither complied with the earlier directions of this Court in W.P.No. 25384 of 2005, the directions in W.P.No. 2990 of 2007 and as a consequence, strangers who are squatting on his lands have begun constructions in the property. He, therefore, seeks a direction to the respondent Nos. 1 to 3 to stop the illegal constructions.

The succession of grievances of the petitioner resulting in a succession of writ petitions is the consequence of the intransigence and apparently willful disobedience of the respondent Nos. 1 and 2 in complying with the directions of this Court in the earlier writ petitions. If that be the root cause, the petitioner cannot pursue the litigative strategy of filing a further succession of writ petitions to secure more directives from the Court,

which equally may not be complied with by the respondents. The petitioner has appropriate remedies otherwise than filing fresh writ petitions.

In the circumstances and as the principal complaint in the writ petition appears to be the non-compliance by the respondents of the earlier directions of this Court, the writ petition is seen not be the appropriate remedy. It is accordingly dismissed leaving the petitioner with an opportunity to pursue the appropriate remedies for non-compliance with the earlier orders of this Court. No costs.

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GODA RAGHURAM, J

Dated: 08-10-2007
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